

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2009 JUL -7 PM 2: 02
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HILDA L. SOLIS,)	
SECRETARY OF LABOR,)	
UNITED STATES DEPARTMENT OF LABOR,)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. 8:09-cv-27
v.)	
)	
INFINIA HEALTHCARE COMPANIES,)	
LLC AND INFINIA AT FLORENCE)	
HEIGHTS, INC.,)	
Defendants.)	

JUDGMENT BY DEFAULT

The Complaint in this matter was filed on January 16, 2009. Defendant Infinia Healthcare Companies, LLC waived service on February 3, 2009. Defendant Infinia at Florence Heights, Inc. waived service on February 3, 2009. Answers from Defendants Infinia Healthcare Companies, LLC and Infinia at Florence Heights, Inc. were due to be filed on or before March 30, 2009. Defendants failed to answer or otherwise defend and on April 10, 2009, an Entry of Default Against Defendants Infinia Healthcare Companies, LLC and Infinia at Florence Heights, Inc. was entered by the Clerk of the Court. Pursuant to Rule 55(b)(2), Federal Rules of Civil Procedure, and Plaintiff's Application, and for good cause shown, it is hereby:

ORDERED, ADJUDGED, and DECREED that Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with them who receive actual notice of this judgment be, and each of them hereby is, permanently enjoined and

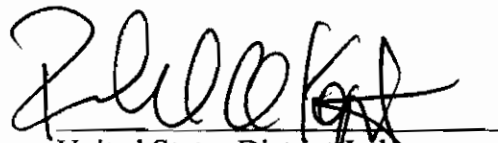
restrained from violating the provisions of section 15(a)(2) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 et seq.), hereinafter called the Act, in the following manner:

Defendants shall not, contrary to sections 7 and 15(a)(2) of the Act, employ any of their employees in commerce or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, for workweeks longer than 40 hours without compensating such employee for his or her employment in excess of 40 hours per workweek at a rate not less than one and one half times the regular rate at which he or she is employed.

It is further ORDERED, ADJUDGED, and DECREED that Plaintiff shall recover from Defendants the sum of \$27,428.46. in unpaid overtime compensation for certain of Defendants' employees. Defendants shall deliver to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, P.O. Box 2638, Chicago, Illinois 60690-2638 , a certified or cashier's check made payable to "Wage and Hour Labor" in the amount of \$27,428.46.. Defendants shall furnish with the check their federal tax identification numbers and the social security number and last known address for each employee named in the Application for Default Judgment. Upon receipt of full payment from Defendants, Plaintiff's counsel shall file with the Court a certificate of payment and representatives of the Plaintiff shall distribute such amounts less appropriate deductions for federal income withholding taxes and the employee's share of the social security (F.I.C.A.) tax to the employees or their legal representative as their interests may appear, in accordance with the provisions of section 16(c) of the Act. Defendants remain responsible for the employer's share of F.I.C.A. arising from or related to the back wages distributed by Plaintiff.

IT IS FURTHER ORDERED that each party shall bear his or its own costs, fees and other expenses incurred by such party in connection with any stage of this proceeding.

Dated this 7th day of July, 2009.


United States District Judge